

**MINUTES FOR REGULAR COMMISSION MEETING HELD DECEMBER 20, 2010
BEGINNING AT 1:00 P.M. IN THE COMMISSION BOARD ROOM IN DUCHESNE,
UTAH**

Present

Commission Chairman Kent R. Peatross; Commissioner Ronald Winterton, Commissioner Kirk J. Wood, Clerk/Auditor Diane Freston, Deputy County Attorney Jonathan Stearmer, and Chief Deputy Clerk JoAnn Evans taking minutes of the meeting.

Absent

Commission Assistant BobbiJo Casper

Opening Comments

Clerk/Auditor Diane Freston gave the prayer. There were no other comments.

Pledge of Allegiance

Any wishing to participate.

Tax Adjustments

None.

Consideration Of Payment Vouchers

The commission reviewed vouchers #116341 through #116427 dated December 20, 2010 in the amount of seven hundred ninety seven thousand eight hundred ninety eight dollars and eighteen cents (\$797,898.18). *Commissioner Winterton motioned to approve the vouchers presented by Auditor Freston. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of A Beer License Application For All Country.

Deputy Clerk Auditor Connie Sweat joined the meeting at 1:10 P.M...

Deputy Clerk Sweat stated that the application for All County came back, and Dave Boren signed off on the back ground check. *Commissioner Wood motioned to approve the application as presented by Deputy Clerk Sweat. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of Public Defender Contracts

Commissioner Peatross suggested this be postponed another week.

Consideration Of Resolution No. 10-21, A Resolution Adopting the 2011 County Budget

Deputy Attorney Jonathan Stearmer joined the meeting at 1:12 P.M...

Chairman Peatross stated that we had a public hearing a week ago, and there are no corrections needed. Clerk/Auditor Diane Freston stated that we took care of everything that night.

DUCHESNE COUNTY RESOLUTION 10-21

CERTIFICATION OF BUDGET

DUCHESNE COUNTY

Calendar Year Ending December 31, 2011

ADOPTION OF BUDGET INFORMATION:

In compliance with Title 17, Chapter 36, Section 15, Utah Code, which states:

“On or before the last day of each fiscal period, the governing body by resolution shall adopt the budget which, subject to further amendment, shall thereafter be in effect for the next fiscal year. A copy of the final budget, and of any subsequent amendment thereof, shall be certified by the budget officer and filed with the state auditor not later than thirty days after its adoption. A copy, similarly certified, shall be filed in the office of the budget officer for inspection by the public during business hours.”

WHEREAS the legislature of the State of Utah has granted legislation providing for the adoption of said county annual budgets and;

WHEREAS there exists a need to utilize this provision of the State statutes to serve the best interest of the County and the residents thereof and to promote the most efficient and practical operation of county government. The purpose of this resolution is to adopt the 2011 Duchesne County Budget by revenue and expenses;

NOW THEREFORE, be it hereby resolved as follows;

WE, THE BOARD OF COUNTY COMMISSIONERS of Duchesne County, State of Utah as governing body of this county do enact this resolution to adopt said budget for the year 2011.

PASSED AND ADOPTED THIS 20th DAY OF DECEMBER, 2010 by the following vote of the Board of County Commissioners:

DUCHESNE COUNTY:

Attest:

Diane Freston
County Clerk/Auditor

Kent R. Peatross
Chairman, Board of Duchesne
County Commissioners

Kirk J. Wood
Member

Ronald Winterton
Member

Commissioner Winterton motioned to approve the resolution No. 10-21. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.

Consideration Of Resolution No. 10-22, A Resolution Increasing Revenue And Expense for 2010 In the General Fund

Clerk/Auditor Freston stated that we discussed this in the public hearing. She will increase the budget by five hundred fifty thousand dollars (\$550,000.00) to cover the expense of the Strawberry River cleanup project; she will also move thirty two thousand dollars (\$32,000.00) into fund 23, a dedicated fund to the public lands fund to cover the cost of some equipment. Chairman Peatross stated that we are opening up the 2010 budget. Clerk/Auditor Freston stated that we have to increase the revenue to match the expense so that we can balance the budget.

DUCHESNE COUNTY RESOLUTION 10-22

WHEREAS the legislature of the State of Utah has granted legislation providing for the **increase** in unencumbered or unexpended appropriations from one department to another within the same fund, the said legislation being designated as Section 17-36-26 of the Utah Code annotated, 1953, and amended 1975; and

WHEREAS there exists a need to utilize this provision of the State statutes to serve the best interest of the County and the residents thereof and to promote the most efficient and practical operation of county government. The purpose of this resolution is to increase the 2009 Duchesne County Budget by revenue and expenses and free up said monies spent;

NOW THEREFORE, be it hereby resolved as follows;

WE, THE BOARD OF COUNTY COMMISSIONERS of Duchesne County, State of Utah as governing body of this county do enact this resolution to increase the following amounts to the listed departments within the following funds for the Budget year 2010.

	Revenue	Expense
Strawberry River Contamination		
10-3340-000-000	550,000.00	
Strawberry River Contamination		
10-4962-620-000		550,000.00

Oil spill contamination expenses

Public Lands Revenue		
10-3320-000-000	32,000.00	
Public Lands Equipment		
10-4961-740-000		32,000.00
Public Lands Revenue		
23-3020-000-000	32,000.00	
Public Lands Transfer		
23-4020-000-000		32,000.00

Transfer public lands money from fund 23 to fund 10

PASSED AND ADOPTED THIS 20th DAY OF DECEMBER, 2010 by the following vote of the Board of County Commissioners:

DUCHESNE COUNTY:

Attest:

Diane Freston
County Clerk/Auditor

Kent R. Peatross
Chairman, Board of Duchesne
County Commissioners

Kirk J. Wood
Member

Ronald Winterton
Member

Commissioner Wood motioned to approve Resolution No. 10-22. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.

Consideration For Adoption Of Resolution No. 10-23, A Resolution Establishing A New Fee Schedule For Buildings and Construction Within Duchesne County

Karl Mott entered the meeting at 1:17P.M...

Commissioner Winterton stated that in an effort to make the building department more self-supporting we need to make some adjustments. Chairman Peatross stated that we discussed this last week that no more than fifteen percent (15%) increase would be sufficient.

RESOLUTION NO. 10-23

A RESOLUTION ESTABLISHING A NEW FEE SCHEDULE FOR BUILDINGS AND CONSTRUCTION WITHIN DUCHESNE COUNTY

WHEREAS, Duchesne County Code Title 7 establishes rules and regulations for buildings and construction with Duchesne County; and

WHEREAS, Duchesne County Code §7-1E-2 authorizes the county to establish permit fees for building and construction; and

WHEREAS, said code also authorizes the fees to be set by resolution; and

WHEREAS, Duchesne County desires to amend said fees commencing January 1, 2011.

NOW, THEREFORE, be it resolved by the Board of County Commissioners for Duchesne County that the fee schedule for the Duchesne County building and construction enforcement in Exhibit A attached hereto and hereby incorporated by reference, is adopted.

IT IS FURTHER RESOLVED that the method used to calculate the fees on the individual projects shall be that as set forth in Exhibit B attached hereto and hereby incorporated by reference.

IT IS FURTHER RESOLVED that an existing fee amounts contrary to this resolution are changed to reflect this new fee schedule, and that this fee schedule shall be effective January 1, 2011.

APPROVED AND ADOPTED by a duly constituted quorum of the Board of County Commissioners of Duchesne County this 20th day of December, 2010.

ATTEST:

DUCHESNE COUNTY:

Diane Freston
County Clerk/Auditor

Kent R. Peatross
Chairman
County Commissioners

Kirk J. Wood
Member

Ron Winterton
Member

Commissioner Winterton motioned to approve Resolution No. 10-23, Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.

Consideration Of Ordinance No. 10-287, An Ordinance Setting The Commission Meeting Schedule For 2011

Chairman Peatross asked Attorney Stearmer to make sure the wording for this document was worded correctly when the commission needed to cancel a work or regular session due to emergencies. Attorney Stearmer stated that it would meet the needs the way that it is written.

ORDINANCE 10-287

**AN ORDINANCE SETTING THE
COMMISSION MEETING SCHEDULE FOR 2011**

WHEREAS, U.C.A. §17-53-204 requires the County Legislative Body to “provide by ordinance for the holding or regular meetings of the county legislative body; and

WHEREAS, the County Legislative Body has found that it will be beneficial to continue holding meetings at the same time and place as the previous year.

NOW THEREFORE, the County Legislative Body of Duchesne County ordains as follows:

Section 1. Meeting Schedule and Location

The 2011 meeting schedule for the Board of County Commissioners of Duchesne County, Utah, will be every Monday (except legal holidays) beginning at 9:00 a.m. for the working session and again at 1:00 p.m. for the regular session.

Meetings will be held for the working meeting in Conference Room #1 and for the regular session in the Commission Board Room of the Duchesne County Administration Building, 734 North Center Street, Duchesne, Utah.

Section 2. Public Notice

The following public notice shall be given:

NOTICE IS HEREBY GIVEN OF THE 2011 MEETING SCHEDULE OF THE BOARD OF COUNTY COMMISSIONERS OF DUCHESNE COUNTY, UTAH

PUBLIC NOTICE is hereby given that the 2011 meeting schedule for the Board of County Commissioners of Duchesne County, Utah, will be every Monday (except legal holidays) beginning at 9:00 a.m. for the working session and again at 1:00 p.m. for the regular session.

Meetings will be held for the working meeting in Conference Room #1 and for the regular session in the Commission Board Room of the Duchesne County Administration Building, 734 North Center Street, Duchesne, Utah.

I, Diane Freston, Duchesne County Clerk/Auditor do hereby certify that from December 31, 2010 through January 1, 2012 pursuant to U.C.A., 52-4-202, this notice was posted. Notice also given to Radio Station K.N.E.U. and the newspaper Uintah Basin Standard.

Section 3. Effective Date

In accordance with, This Ordinance will take effect in accordance with U.C.A. §17-53-208.

PASSED AND ADOPTED THIS 20th DAY OF DECEMBER, 2010 by the following vote of the Board of County Commissioners:

DUCHESNE COUNTY:

Attest:

Diane Freston
County Clerk/Auditor

Kent R. Peatross
Commission Chairman

Kirk J. Wood
Commission Member

Ronald Winterton
Commission Member

Commissioner Wood motioned to approve Ordinance No. 10-287, Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.

Consideration Of The Minutes For Regular Commission Meeting Held December 6, 2010

Chairman Peatross stated that Assistant Casper has asked County/Community Planning Administrator Mike Hyde to go over the minute's portion of the public hearing to make sure everything was correct. Director Hyde made some corrections and they are now correct. Commissioner Wood motioned to approve the minutes as presented. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.

Consideration Of The Minutes For Work Commission Meeting Held December 13, 2010

Commissioner Winterton motioned to approve the minutes as presented. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.

Consideration Of The Minutes For Regular Commission Meeting Held December 13, 2010

Commissioner Wood motioned to approve the minutes as presented. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.

Adjournment

Chairman Peatross adjourned the meeting at 2:09 P.M.

Read and approved this 27th day of December 2010.

Kent R. Peatross
Commission Chairman

Diane Freston
Clerk/Auditor

*Minutes of meeting prepared by JoAnn Evans*_____